IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 29819 of 2007(Y)

PETITIONERS:
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1. S.SURESH,CHARUVILA HOUSE, KILIKOLLOOR,
VADAKKEVILA P.O. KOLLAM DISTRICT.

2. K.V.KRISHNANKUTTY,
INDU BHAVANAM, NEDUNGOLAM P.O.
PARAVOOR, KOLLAM DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD

RESPONDENTS:
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1. THE COMMISSIONER OF EXCISE,
EXCISE COMMISSIONERATE, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
KOLLAM.

3. THE CIRCLE INSPECTOR OF EXCISE,
CHATHANNOOR EXCISE RANGE, KOLLAM DISTRICT.

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 29819 OF 2007 Y

Dated this the 11th October, 2007

JUDGMENT

The Writ Petition is filed seeking the following reliefs:

> *"i) Issue a writ of mandamus or order or direction to the respondents 2 & 3 to allow the petitioners to run the Toddy Shops based on Ext.P1 licence in the premises specified therein:*
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> *ii) Issue a Writ of Mandamus or order or direction to the respondents 2 & 3 to refrain from interfering in the functioning of the Toddy Shops mentioned in Ext.P1 licence so long as the valid licence is in force."*

2. According to the petitioners, they are having Ext.P1 licence. They also submit that they have remitted the rental, toddy workers' welfare fund contribution and all other dues. The third respondent, it is their case, without passing any order

or giving any reason, the petitioners are not allowed to run the shop. It is stated that the third respondent informed the petitioners that he got instructions from higher authorities that no newly started shops need be allowed to function. It is their case that in all other areas newly started shops are allowed to function. Learned Government Pleader on instructions submits that the re-deployed workers are not engaged in terms of Rule 4 (2) of the Kerala Abkari Act. Learned counsel for the petitioners submits that the petitioners are prepared to engage the re-deployed workers. In such circumstances, the Writ Petition is disposed of recording the submission made on behalf of the authorities and directing respondents 2 & 3 to allow the petitioners to run the toddy shop based on Ext.P1 licence in the premises specified therein, of course, provided that the petitioners engage the re-deployed workers in accordance with the licence and the Rules. Should there be any violation, it is

open to the respondents to pass written orders in accordance with law.

K. M. JOSEPH, JUDGE

kbk.